

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

BLAKE HIGGINS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 11-CV-090-JHP-TLW
)	
STATE AUTO PROPERTY &)	
CASUALTY INSURANCE COMPANY,)	
)	
Defendant.)	

**PLAINTIFF’S OBJECTIONS TO DEPOSITION
DESIGNATIONS OF THOMAS JACKSON SULLIVENT, JR.**

Plaintiff, pursuant to LCvR30.1(c), submits his objections to the designations and counter-designations of the deposition. Counsel for the parties have personally met and resolved some of the objections. The parties were unsuccessful in their attempt to resolve the following objections to the deposition. The transcript of this deposition will be submitted to the Court Clerk with the indicated testimony highlighted and the indicated objections referenced in the margins. The Plaintiff’s designations are highlighted yellow. The Defendant’s designations are highlighted orange.

Plaintiff objects to the use of the deposition in its entirety because the proposed witness is not an “unavailable witness” pursuant to Fed. R. Civ. P. 32(a)(4).

TESTIMONY

OBJECTION

127:8-25	6, 9
128:2-22	9
133:12-25 – 134:1-7	11, 9
142:24, 25 – 143:1-11	11, 9
179:6	5
253:24, 25	5
254:1-4	5, 4

OBJECTIONS

4. The court reporter's notation, "(Reviewing Document)," should be eliminated from the transcription of the deposition.
5. Extraneous dialogue should be removed.
9. Testimony of the use or non-use of a seat belt is irrelevant. Motion in limine filed.
11. The testimony is inadmissible because it is irrelevant.

Respectfully submitted,

TOON OSMOND, P.L.L.C.

/s/ **Brian Goree**

Rich Toon, OBA #16069

richtoon@toonosmond.com

Cyrus N. Lawyer, OBA #22622

natelawyer@toonosmond.com

Brian J. Goree, OBA #13104

briangoree@toonosmond.com

1800 S. Baltimore Ave., Suite 1000

Tulsa, Oklahoma 74119

Telephone: 918.477.7884

Facsimile: 918.477.7893

www.toonosmond.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2012, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Tracy W. Robinett, Esq.
trobinett@robinettmurphy.com

Lawrence R. Murphy, Jr., Esq.
lmurphy@robinettmurphy.com

Pansy Moore-Shrier, Esq.
pmoore-shrier@robinettmurphy.com

Charles R. Swartz, Esq.
cswartz@robinettmurphy.com

Mariann Atkins
matkins@robinettmurphy.com

/s/ Brian Goree_____